REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action mailed March 31, 2008 (hereinafter "Office Action"). In response, Applicants have amended Claims 50-52, 57, 58, 63-66 and 73-76 to overcome informalities cited in the Office Action and Claim 69 responsive to the 35 U.S.C. §101 rejection. Misnumbered Claims 73-76 have been renumbered 72-75 in response to the objection under 37 C.F.R. §1.126. In this regard, Applicants respectfully submit that currently pending Claims 46-75 are allowable over the cited references for at least the reasons provided below. Accordingly, Applicants respectfully request a Notice of Allowance in due course.

Claim Objections are Overcome

The Office Action objects to Claims 50-52, 57, 58, 63-66 and 73-76 because of informalities regarding acronyms, claim dependencies and claim numbering. Office Action, pages 2-3. Applicants respectfully submit that Claims 50-52, 63-66 and 73-76 are amended to spell out terms corresponding to acronyms at their first occurrence in the claims. Applicants submit that Claims 64, 75 and 76 are amended to correct claim dependencies.

Applicants respectfully submit that misnumbered Claim 73 has been renumbered 72, misnumbered Claim 74 has been renumbered 73, misnumbered Claim 75 has been renumbered 74, and misnumbered Claim 76 has been renumbered 75. Accordingly, misnumbered Claims 73-76 have been renumbered 72-75.

Claim 69 is Patentable Under 35 U.S.C. §101

The Office Action rejects Claim 69 under 35 U.S.C. §101. The Office Action states that Claim 69:

> may be directed to non-statutory subject matter. Although the preamble of the claim recites "*a server*," the body of the claim may be directed to software implementation since "*means for incorporating an authentication method*" and "*means for determining authentication method*" **could be implemented by software** by one of ordinary skill in the art at the time the invention was

made.

Office Action, pages 3-4. Applicants respectfully submit that Claim 69 is amended to provide "electronic apparatus for determining authentication method." This amendment includes no new matter and support thereof is provided in the Specification on page 8, lines 2-3. Accordingly, Applicants respectfully submit that the rejection of Claim 69 under 35 U.S.C. §101 is overcome and request the allowance thereof.

Claims 46, 59 and 69 are Patentable Over SyncML

The Office Action rejects Claims 46-49, 54-56, 59-62 and 67-71 under 35 U.S.C. §102(b) as being anticipated by SyncML Sync Protocol, version 1.0, SYNCML CONSORTIUM, published December 7, 2000 (hereinafter "SyncML"). Office Action, page 4. Applicants respectfully submit that Claims 46-49, 54-56, 59-62 and 67-71 are patentable over SyncML for at least the reasons that SyncML does not disclose or suggest the recitations therein. For example, independent Claim 46 recites:

> A method for providing authentication when messages are sent between an electronic communication apparatus and a server according to a synchronization protocol, comprising:
> providing an authentication method indicator that specifies an authentication method according to which the authentication is to be executed;
> **incorporating into a message the authentication method indicator comprising a plurality of authentication capabilities of the communication apparatus**; and
> transmitting said message to said server according to an authentication protocol of the synchronization protocol. (*Emphasis added.*)

In rejecting Claim 46, the Office Action states that SyncML discloses:

> incorporating into a message the authentication method indicator (*page 21, section 3.5.1; XML Tage 'type'; page 13, section 2.5*) comprising a plurality of authentication capabilities of the communication apparatus (*page 13, section 2.5; the protocol requires the support for the basic authentication and the MD5 digest access authentication; see also page 20, section 3; page 21, section 3.5.1; XML Tag 'type'<auth-basic>; page 23; XML Tag 'type' <auth-md5>*).

Office Action, pages 4-5. In contrast to the Office Action contention, SyncML does not

disclose or suggest, for example, "incorporating into a message the authentication method indicator," as recited in Claim 46. As a general matter, Applicants note that SyncML appears to describe that the authentication to be used is supported by both the communication apparatus and the server. For example, the authentication methods (basic and MD5) "MUST be supported" by the server and apparatus. SyncML, page 20, line 2, introduction to section 3. Applicants respectfully submit that as the capabilities between the server and apparatus in SyncML are the same and are known, there is no reason whatsoever to put an indicator of the authentication method into a message for use by another apparatus. For example, in the context of SyncML, incorporation of the authentication method indicator including more than one authentication method will not provide any additional information that the other of the server and/or apparatus does not already know. In this regard, not only does SyncML not disclose or suggest "incorporating into a message the authentication method indicator," as recited in Claim 46, but SyncML appears to teach away from such a recitation since inclusion of the additional unnecessary information may needlessly increase the amount of transmitted data, bandwidth and/or transmission cost.

Moreover, SyncML appears to describe that if the apparatus attempts to initiate synchronization with the server without including any credentials, the server is left to decide which security level to use. SyncML, section 3.5.1. The server may then challenge the apparatus by indicating which security level to use. SyncML, section 3.5.1. The apparatus may then transmit with credentials. SyncML, section 3.5.1. In contrast, Claim 46 recites "incorporating into a message the authentication method indicator comprising a plurality of authentication capabilities of the communication apparatus." Applicants respectfully submit that the "plurality of authentication capabilities of the communication apparatus" is wholly distinct from the operations described above regarding SyncML. For example, the operations according to SyncML require two additional transmissions to establish the synchronization relative to the operations recited in Claim 46.

Additionally, Claim 46 recites "incorporating into **a message**" and "transmitting the message **to said server**." In this regard, the "message" is a message from the apparatus. According to the Office Action allegation, the cited portions of SyncML that are interpreted

as disclosing "the authentication method indicator" are included in packages **from** the server to the apparatus and not vice versa. SyncML, sections 3.5.1 and 3.5.2. In this regard, the cited portions of SyncML are not in the message of Claim 46 that is transmitted "to said server." Thus, SyncML does not disclose or suggest "incorporating into a message the authentication method indicator comprising a plurality of authentication capabilities of the communication apparatus," as recited in Claim 46.

Accordingly, Applicants respectfully submit that independent Claim 46 is patentable over SyncML for at least these reasons, the allowance of which is respectfully requested. Applicants further submit that independent Claims 59 and 69 include similar recitations and are thus patentable over SyncML for at least the same reasons.
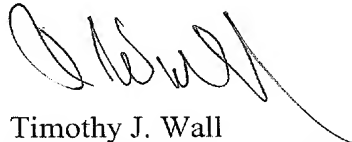
Dependent claims are patentable

Applicants respectfully submit that dependent Claims 46-58, 60-68 and 70-75 are patentable at least per the patentability of the independent claims from which they depend.

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CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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